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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2684

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,923

Applicant(s)

TOU ET AL.

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 and 21- 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (U.S. Patent No. 6172645) in view of Kaschke (U.S. Patent no. 5,898,933).

Regarding to claim 1, Hollander teaches an apparatus (see fig. 1) comprising: a personal computer card (see fig. 1, col. 5, lines 39-59) including communication module (Fig. 1, PCMCIA 10, col. 5, lines 43-59) having an antennae unit (Figs. 1-5, antennae unit 22 and antenna 24), and a spring to assist in extending the antenna unit from the communication module (see figs. 5-6, col. 6, lines 37-55). Hollander also teaches the antennae unit is adapted to first and second of the antenna extended and retracted position (see figs, 2-9). But Hollander fails to shows the antennae unit is adapted to disable the communication module when in a first position.

However, Kaschke teaches a radiotelephone having a moveable antenna, an apparatus and method generates a control signal or responsive to the position of the antenna, and operating mode of the radiotelephone can disabled responsive to the hook switch control signal by retracted the antenna to first position (see Fig. 5, col. 2 lines 62-67, col. 3, lines 1-6, col. 4, lines 5-14 and col. 6, lines 15-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hollander system and the providing of the teaching of Kaschke with the moveable antenna unit for disable/enable the transmitter thereto in order to provide the convenient for user operation and protection from accidental activation of exposed control keys.

Regarding to claim 2, Kaschke teaches wherein the apparatus is operational when the antenna unit is in the first position (retracted) (see col. 4 lines 61-63, col. 5, lines 14-30).

Regarding to claim 3, Kaschke teaches the indicator to enable a visual indicator when in the first position by the slave microprocessor store the status of the hook switch and provides an indication of the changes of state of the hook switch to enable the microcomputer system and determination is made whether the antenna is extended or retracted and the slave microprocessor is enable a visual indicators (see fig. 5 and col. 10, lines 24-26, col. 12, lines 64-66, col. 13, lines 22-26 and lines 45-47, col. 17 lines 13-23).

Regarding to claim 5, Kaschke teaches wherein the antenna unit is further adapted to enable the portable radiotelephone communication when in a second position (extended) (see fig. 8, col. 4, lines 5-14).

Regarding to claim 6, Kaschke teaches wherein at least a majority of the antenna unit is contained within the radiotelephone when in the first position (see fig. 3 A and col. 4 lines 31-32).

Regarding to claim 7, Kaschke teaches wherein substantially all of the antenna unit is contained within the communication module when in the first position (see fig. 3 A and col. 4, lines 33-35).

Regarding to claim 8, Hollander and Kaschke teach wherein the communication module comprises a radio (see Hollander teaches figs. 1-14, col. 5, lines 36-66, and Kaschke fig. 4, radio transceiver 402).

Regarding to claim 9, Kaschke teaches a portable radiotelephone adapted use in a cellular radiotelephone system to transmit and receive signals having a frequency ranging of cellular band from about 1 MHz to 900 MHz (see fig. 2, and col. 3, lines 51-52 and lines 64-67).

Regarding to claim 10. Hollander teaches wherein the communication module comprises a personal computer memory card international association (PCMCIA) card (see figs. 1-14, col. 5, lines 37-66).

Regarding to claim 11, Hollander teaches a system (see fig. 1) comprising: a processor (see fig. 1, col. 1, lines 11-56) a static random access memory coupled to the processor (see page 4, section [0044], the examiner take official noticed for the static random access memory coupled to the processor is a well known in the art (see fig. 1, col. 1, lines 11-56); and a communication module having an antenna module (see Fig. 1-14, PCMCIA 10, col. 5, lines 43-

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59 and antennae unit 22 and antenna 24), and spring to assist in extending at least a port of the antenna module from the communication module (see (see figs. 5-6, col. 6, lines 37-55).

Hollander also teaches the antennae unit is adapted to first and second of the antenna extended and retracted position (see figs, 2-9). But Hollander fails to shows the antennae unit wherein at least the portion of the antennae unit extends from the transceiver in a first position to enable the communication module to transmit and receive and wherein the portion retracts into the communication module in a second position to disable the communication module from transmitting or receiving.

However, Kaschke teaches the antennae unit wherein at least the portion of the antennae unit extends from the transceiver in a first position to enable the communication module to transmit and receive (see Fig. 4 and col. 9, lines 32-48, and col. 5 lines 2-5) and wherein the portion retracts into the communication module in a second position to disable the communication module from transmitting or receiving (see Fig. 3A- C and col. col. 4, lines 5-14, co. 5 lines 14-19 and col. 6, lines 15-41).

Therefore, it would has been obvious to one of the ordinary skill in the art at the time invention was made to modify Hollander system and the providing of the teaching of Kaschke with the moveable antenna unit for disable/enable the transmitter thereto in order to provide the convenient for user operation and protection from accidental activation of exposed control keys.

Regarding to claim 12, Kaschke teaches wherein at least a majority of the antennae unit extends from the communication module when the antennae unit is in the first position (extended) (see Fig. 3A-B, the extended position 313 or 314).

Regarding to claim 13, Kaschke teaches wherein the antennae unit disables the communication module when in a second position (see Fig. 3A- C and col. col. 4, lines 5-14, co. 5 lines 14-19).

Regarding to claim 14, Kaschke teaches wherein at least a majority of the antennae unit is contained within the communication module when in the second position (see fig. 3A-B, of 307 position).

Regarding to claim 15, Kaschke teaches wherein the antennae unit extends less than about 10 centimeters outward from the communication module when in the first position (see fig. 3B position 307).

Regarding to claims 21 and 22, Hollander teaches wherein the spring facilitates electrical contact between the communication module and antenna unit when extended (see figs. 5-6, col. 6, lines 19-55).

3. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over (U.S. Patent No. 6172645) in view of Kaschke (U.S. Patent no. 5,898,933) further in view of Madsen (U.S. Patent No. 6181284).

Regarding to claim 4, Hollander or Kaschke fails to teach wherein the visual indicator comprises a light emitting diode (LED).

However, Madsen wherein the visual indicator comprises a light emitting diode (LED) (see figs. 10-11, LED 110, col. 11, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hollander and Kaschke system and by the provide of the teaching of Madsen on the LED indicator, so that the light source 110 is indicate the use of wireless communication system (see Madsen col. 11, lines 55-63).

Regarding to claim 16, Hollander or Kaschke fails to teach wherein the antennae unit is adapted to enable a visual indicator when in the second position.

However, Madsen teaches wherein the antennae unit is adapted to enable a visual indicator when in the second position (see figs. 8-12, LED 110, col. 11, lines 16-col. 12, lines 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hollander and Kaschke system and by the provide of the teaching of Madsen on the LED indicator in second or any desired location, so that the light source 110 is indicate the use of wireless communication system (see Madsen col. 11, lines 55-63 and col. 12, lines 3-7).

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***Response to Amendment***

4. The amendment filed on 8-8-2005 under 37 CFR 1.131 is sufficient to overcome the Sward (US 6545643) reference.

***Conclusion***

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Nay Maung, can be reached at (571) 272-7882.


The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh   
Art Unit 2684  
Oct. 25, 2005

10/27/05  
  
TILAHUN GESESSE  
PRIMARY EXAMINER